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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WOODROW JUNE MARSHALL,

Petitioner,

vs.

JEREMY BEAN, *et al.*,

Respondents.

Case No. 2:23-cv-01394-APG-DJA

**MOTION FOR AN EXTENSION OF TIME
TO FILE RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS
(ECF NO. 9)

(SECOND REQUEST)**

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a forty-five (45) day enlargement of time, up to and including, May 9, 2024, in which to submit the response to Petitioner Woodrow Marshall's Petition for Writ of Habeas Corpus. ECF No. 9. The response is currently due March 25, 2024.

This is Respondents' second request for an extension of time in which to file the responses and made in good faith and not for purposes of delay.

DATED this 19th day of March, 2024.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

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2 1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the
3 State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents'
4 Motion for Enlargement of Time to file the response and index of exhibits to the amended petition filed
5 in the above-captioned case. By this motion, I am requesting an enlargement of time of forty-five (45)
6 day enlargement of time, up to and including, May 9, 2024, to file and serve the response. The response
7 is currently due March 25, 2024.

8 2. Since the grant of the previous enlargement of time on February 20, 2024, Counsel has
9 filed (or will file) pleadings in the following cases: 1.) On February 21, 2024, the answering brief in
10 *Carter v. State*, Nevada Supreme Court case number 85520; 2.) On March 6, 2024, a motion to dismiss
11 in *Woods v. Bean*, et al., USDC case number 2:23-cv-00233-JAD-MDC; 3.) On March 11, 2024, an
12 answer to state habeas petition challenging computation of time in *Welch v. Gittere*, Seventh Judicial
13 District Court case number HC-2312009 (White Pine County); and 4.) On March 21, 2024, Counsel will
14 file the answering brief in *Orth v. Warden*, N.D.O.C., et al., Ninth Circuit case number; 22-16452.

15 3. A rough draft of the motion to dismiss Marshall's petition has been prepared. However,
16 while reviewing the state court record in this case, Counsel learned that Marshall filed a second state
17 habeas corpus petition in state court. That case is now on appeal in the Nevada Supreme Court in case
18 number 87431. The matter was submitted for decision on February 8, 2024.

19 4. Counsel could file an anticipatory argument based upon Marshall's arguments in the
20 informal brief submitted in that case. However, a better record will be made if Respondents file their
21 motion to dismiss after the state appellate court issues its decision in case 87431. It is unknown when the
22 court will issue its decision.

23 5. The additional time is necessary to prepare a proper motion to dismiss addressing the state
24 court appellate order when issued and to compile and file the additional documents that will be issued in
25 state court.

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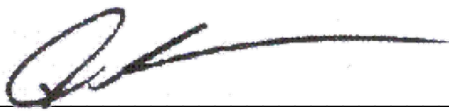
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1 For the reasons stated herein, Counsel respectfully requests the Court grant the motion for
2 enlargement of time to May 9, 2024, to file the response to the petition in this matter.

3 DATED this 19th day of March, 2024.

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5 By: /s/ Michael J. Bongard
6 Michael J. Bongard (Bar No. 007997)
7 Senior Deputy Attorney General

8 **IT IS SO ORDERED:**

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11 UNITED STATES DISTRICT JUDGE

12 Dated: March 19, 2024
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